

REMARKS

Claim 1, 10, 21, 27 and 30 have been amended to improve form and new claims 34 and 35 have been added. Claims 1-5, 7-11 and 13-35 are now pending in this application.

Claims 1-5, 7, 10, 11, 13-17, 21-24 and 27-33 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Chaturvedi et al. (U.S. Patent No. 6,950,500; hereinafter Chaturvedi) in view of Werndorfer et al. (U.S. Patent Publication No. 2004/0024822; hereinafter Werndorfer). The rejection is respectfully traversed.

Claim 1, as amended, recites a method for providing communication services that includes receiving, via a network, a request from a hearing-impaired party for establishing a communication link to a hearing party. Claim 1, as amended, also recites transmitting, via the network, an interface screen to the hearing-impaired party in response to the request, the interface screen identifying a plurality of instant messaging programs and including a selection area for allowing the hearing-impaired party to select an instant messaging program with which to communicate. The Office Action admits that Chaturvedi does not disclose this latter feature (Office Action – page 3). The Office Action, however, states that Werndorfer discloses the desirability of allowing a user to select from a plurality of instant messaging (IM) programs via service bar 310 or connection manager window 500 and points to paragraphs 50-51 of Werndorfer for support (Office Action – page 3).

Werndorfer is directed to a method for monitoring incoming and outgoing instant messages for a particular character string and generating a particular sound when the character string is detected (Werndorfer – Abstract). Werndorfer discloses that IM client

platform 200 includes an IM graphical user interface (GUI) 201 (Werndorfer – paragraph 48 and Fig. 2). Werndorfer at paragraph 50 discloses that GUI 201 includes a service bar 310 that has a set of buttons representing different instant messaging services.

Werndorfer, however, does not disclose or suggest that GUI 201 is transmitted via a network to a party (much less a hearing-impaired party) in response to a request from the party for establishing a communication link to another party, as required by claim 1. In contrast, Werndorfer discloses that GUI 201 resides on IM client platform 200.

Werndorfer at paragraph 51 discloses that a user may select a connection manager option via a service based menu 400 illustrated in Fig. 4. Upon selecting this option, a connection manager window 500 is displayed to the user, as illustrated in Fig. 5. The connection manager window 500 provides a list of all services on which the user has an account (Werndorfer – paragraph 51, lines 9-11). This portion of Werndorfer also does not disclose or suggest that connection manager window 500 is transmitted via a network to a party in response to a request from the party for establishing a communication link to another party, as required by claim 1. In contrast, this portion of Werndorfer merely discloses that a connection manager resides on IM client platform 200 to allow the user to connect to various IM accounts, add new accounts, delete accounts and modify preferences for each account (Werndorfer – paragraph 51, lines 11-14).

Therefore, even if Werndorfer was combined with Chaturvedi, the claimed invention would not result. In other words, the combination of Chaturvedi and Werndorfer does not disclose or suggest transmitting, via a network, an interface screen to a hearing-impaired party in response to a request, where the interface screen identifies a plurality of instant messaging programs and includes a selection area for allowing the

hearing-impaired party to select an instant messaging program with which to communicate, as required by claim 1.

In addition, even if, for the sake of argument, the combination of Chaturvedi and Werndorfer could be construed to disclose or suggest each of the features of claim 1, the applicants assert that the motivation for combining Chaturvedi and Werndorfer does not satisfy the requirements of 35 U.S.C. § 103.

For example, the Office Action states that it would have been obvious to incorporate a selection area, as taught by Werndorfer, in the system of Chaturvedi “in order to allow the hearing-impaired party to choose the instant messaging program with which to communicate” (Office Action – page 3). The applicants respectfully disagree.

Werndorfer, as discussed above is directed toward a method for monitoring incoming and outgoing instant messages for a particular character string and generating a particular sound upon detecting that character string (Werndorfer – Abstract). Chaturvedi, in contrast, is directed to an Internet-based and network based relay center (Chaturvedi – Abstract). Werndorfer is not at all related to providing communication services in a relay environment and the applicants assert that it would not have been obvious to combine features from Werndorfer with Chaturvedi due to the disparate nature of these references. The applicants also assert that the only motivation for combining a portion of Werndorfer with Chaturvedi comes from the applicants’ disclosure and from an attempt to reconstruct the applicants’ invention using impermissible hindsight. Lastly, the applicants assert that the alleged motivation for combining portions of Werndorfer with Chaturvedi (i.e., in order to allow the hearing-impaired party to choose the instant messaging program with which to communicate) is merely a conclusory statement

providing an alleged benefit of the combination. Such motivation does not satisfy the requirements of 35 U.S.C. § 103.

For at least these reasons, withdrawal of the rejection and allowance of claim 1 are respectfully requested.

Claims 2-5 and 7 are dependent on claim 1 and are believed to be allowable for at least the reasons claim 1 is allowable. Accordingly, withdrawal of the rejection and allowance of claims 2-5 and 7 are respectfully requested.

Claims 10, 21, 27 and 30, as amended, recite features similar to, but not identical to claim 1. For reasons similar to those discussed above with respect to claim 1, withdrawal of the rejection and allowance of claims 10, 21, 27 and 30 are respectfully requested.

Claims 11, 13-17, 21-24, 28, 29 and 31-33 variously depend on claims 10, 21, 27 and 30. These claims are believed to be allowable for at least the reasons their respective independent claims are allowable. Accordingly, withdrawal of the rejection and allowance of claims 11, 13-17, 21-24, 28, 29 and 31-33 are respectfully requested.

Claims 8, 9, 18-20, 25 and 26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Chaturvedi in view of Werndorfer and further in view of Hamilton (U.S. Patent No. 6,801,613). The rejection is respectfully traversed.

Claims 8, 9, 18-20, 25 and 26 variously depend on claims 1, 10 and 21 and are believed to be allowable for at least the reasons their respective independent claims are allowable. In addition, these claims recite additional features not disclosed or suggested by the combination of Chaturvedi, Werndorfer and Hamilton.

For example, claim 9 recites establishing a conference call between the hearing-impaired party, the communication assistant and the hearing party, the conference call utilizing voice over Internet Protocol. Claim 19 recites a similar feature.

The Office Action states with respect to claim 8 that it is old and well known to use a voice over Internet Protocol (VoIP) link in an ACD system as an alternative to using the PSTN and points to Hamilton at col. 20, lines 36-58 for support (Office Action – page 4).

Hamilton is directed to techniques for associating a call appearance with data associated with the call (Hamilton – Abstract). Hamilton, therefore, is totally unrelated to the environment of both Chaturvedi and Werndorfer. The mere fact that Hamilton at col. 20, lines 36-58 discloses that VoIP provides cost advantages over the PSTN, does not provide objective motivation as to why it would have been obvious to modify the combination of Chaturvedi and Werndorfer to include features from Hamilton due to the disparate nature of these three references.

In addition, the Office Action states that it would have been obvious to modify Chaturvedi's digital link between the communication assistant and the non-impaired user to comprise a VoIP link since VoIP "advantageously provides both data and voice over the same network" (Office Action – page 4). This alleged motivation is merely a conclusory statement providing an alleged benefit of the combination. Such motivation does not satisfy the requirements of 35 U.S.C. § 103.

For at least these additional reasons, withdrawal of the rejection and allowance of claims 9 and 19 are respectfully requested.

NEW CLAIMS

New claims 34 and 35 have been added. Claims 34 and 35 are dependent on claims 1 and 30, respectively, and are believed to be allowable for at least the reasons claims 1 and 30 are allowable. In addition, these claims recite that the network (via which the interface screen is transmitted) comprises the Internet. Since the cited art of record does not disclose transmitting the interface screen, the cited art cannot further disclose the features of claims 34 and 35. Accordingly, allowance of claims 34 and 35 are respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, the applicants respectfully request withdrawal of the outstanding rejections and the timely allowance of this application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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